

Adopted	Rejected
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COMMITTEE REPORT

YES:	17
NO:	6

MR. SPEAKER:

Your Committee on **Ways and Means**, to which was referred Senate Bill 365, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 human services.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 3-7-15-2, AS AMENDED BY P.L.146-2008,
- 7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 UPON PASSAGE]: Sec. 2. The general assembly finds that the
- 9 following offices in Indiana provide public assistance within the scope
- 10 of NVRA:
- 11 (1) Each ~~local~~ **county** office established under IC 12-19-1-1 that
- 12 administers:
- 13 (A) the Temporary Assistance for Needy Families program
- 14 (TANF) under IC 12-14; or
- 15 (B) the Medicaid program under IC 12-15.

(2) Each office of the division of family resources that administers the food stamp program under federal law.

(3) Each office of the state department of health that administers the Special Supplemental Nutrition Program for the Women, Infants and Children Program (WIC) under IC 16-35-1.5.

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.90-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

(12) An emergency rule adopted by the Indiana horse racing

- 1 commission under IC 4-31-3-9.
- 2 (13) An emergency rule adopted by the air pollution control
3 board, the solid waste management board, or the water pollution
4 control board under IC 13-15-4-10(4) or to comply with a
5 deadline required by or other date provided by federal law,
6 provided:
- 7 (A) the variance procedures are included in the rules; and
8 (B) permits or licenses granted during the period the
9 emergency rule is in effect are reviewed after the emergency
10 rule expires.
- 11 (14) An emergency rule adopted by the Indiana election
12 commission under IC 3-6-4.1-14.
- 13 (15) An emergency rule adopted by the department of natural
14 resources under IC 14-10-2-5.
- 15 (16) An emergency rule adopted by the Indiana gaming
16 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
17 IC 4-33-4-14, or IC 4-35-4-2.
- 18 (17) An emergency rule adopted by the alcohol and tobacco
19 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
20 IC 7.1-3-20-24.4.
- 21 (18) An emergency rule adopted by the department of financial
22 institutions under IC 28-15-11.
- 23 (19) An emergency rule adopted by the office of the secretary of
24 family and social services under IC 12-8-1-12.
- 25 (20) An emergency rule adopted by the office of the children's
26 health insurance program under IC 12-17.6-2-11.
- 27 (21) An emergency rule adopted by the office of Medicaid policy
28 and planning under IC 12-15-41-15.
- 29 (22) An emergency rule adopted by the Indiana state board of
30 animal health under IC 15-17-10-9.
- 31 (23) An emergency rule adopted by the board of directors of the
32 Indiana education savings authority under IC 21-9-4-7.
- 33 (24) An emergency rule adopted by the Indiana board of tax
34 review under IC 6-1.1-4-34 (repealed).
- 35 (25) An emergency rule adopted by the department of local
36 government finance under IC 6-1.1-4-33 (repealed).
- 37 (26) An emergency rule adopted by the boiler and pressure vessel
38 rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the

agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

- (1) accept the rule for filing; and
- (2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).
- (3) The effective date stated by the adopting agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

- (1) sections 24 through 36 of this chapter; or
- (2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 3. IC 6-8.1-7-1, AS AMENDED BY P.L.131-2008, SECTION 29, AND AS AMENDED BY P.L.146-2008, SECTION 359, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed

upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family resources, and to any director of a ~~county local~~ **county** office of ~~family and children~~ *the division of family resources* located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to a postsecondary educational institution may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved postsecondary educational institutions (as defined by IC 21-7-13-6(a)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed

upon the receipt of a written request from the administrative head of a state agency of Indiana when:

(1) the state agency shows an official need for the information;

and

(2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The information described in subsection (a) may be revealed upon the receipt of a written request from the chief law enforcement officer of a state or local law enforcement agency in Indiana when it is agreed that the information is to be confidential and to be used solely for official purposes.

~~(g)~~ (h) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(j) may be released solely for tax collection purposes to township assessors and county assessors.

~~(h)~~ (i) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

~~(i)~~ (j) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

~~(j)~~ (k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

~~(k)~~ (l) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(m) All information relating to the delinquency or evasion of the excise taxes imposed on recreational vehicles and truck campers that are payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state if the

1 *information is disclosed for the purpose of the enforcement and*
 2 *collection of the taxes imposed by IC 6-6-5.1.*

3 ~~(n)~~ (n) This section does not apply to:

- 4 (1) the beer excise tax (IC 7.1-4-2);
- 5 (2) the liquor excise tax (IC 7.1-4-3);
- 6 (3) the wine excise tax (IC 7.1-4-4);
- 7 (4) the hard cider excise tax (IC 7.1-4-4.5);
- 8 (5) the malt excise tax (IC 7.1-4-5);
- 9 (6) the motor vehicle excise tax (IC 6-6-5);
- 10 (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- 11 (8) the fees under IC 13-23.

12 ~~(m)~~ (o) The name and business address of retail merchants within
 13 each county that sell tobacco products may be released to the division
 14 of mental health and addiction and the alcohol and tobacco commission
 15 solely for the purpose of the list prepared under IC 6-2.5-6-14.2.

16 SECTION 4. IC 7.1-5-10-13, AS AMENDED BY P.L.146-2008,
 17 SECTION 360, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE UPON PASSAGE]: Sec. 13. A permittee who holds a
 19 permit to sell at retail shall not cash a check issued by the ~~local~~ county
 20 office of the division of family resources or by a charitable organization
 21 if any part of the proceeds of the check are to be used to purchase an
 22 alcoholic beverage.

23 SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.146-2008,
 24 SECTION 368, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) Except as provided in
 26 subsection (b), on request, a law enforcement agency shall release a
 27 limited criminal history to or allow inspection of a limited criminal
 28 history by noncriminal justice organizations or individuals only if the
 29 subject of the request:

- 30 (1) has applied for employment with a noncriminal justice
- 31 organization or individual;
- 32 (2) has applied for a license and has provided criminal history
- 33 data as required by law to be provided in connection with the
- 34 license;
- 35 (3) is a candidate for public office or a public official;
- 36 (4) is in the process of being apprehended by a law enforcement
- 37 agency;
- 38 (5) is placed under arrest for the alleged commission of a crime;

- 1 (6) has charged that the subject's rights have been abused
- 2 repeatedly by criminal justice agencies;
- 3 (7) is the subject of a judicial decision or determination with
- 4 respect to the setting of bond, plea bargaining, sentencing, or
- 5 probation;
- 6 (8) has volunteered services that involve contact with, care of, or
- 7 supervision over a child who is being placed, matched, or
- 8 monitored by a social services agency or a nonprofit corporation;
- 9 (9) is currently residing in a location designated by the
- 10 department of child services (established by IC 31-25-1-1) or by
- 11 a juvenile court as the out-of-home placement for a child at the
- 12 time the child will reside in the location;
- 13 (10) has volunteered services at a public school (as defined in
- 14 IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12)
- 15 that involve contact with, care of, or supervision over a student
- 16 enrolled in the school;
- 17 (11) is being investigated for welfare fraud by an investigator of
- 18 the division of family resources or a ~~local~~ **county** office of the
- 19 division of family resources;
- 20 (12) is being sought by the parent locator service of the child
- 21 support bureau of the department of child services;
- 22 (13) is or was required to register as a sex or violent offender
- 23 under IC 11-8-8; or
- 24 (14) has been convicted of any of the following:
 - 25 (A) Rape (IC 35-42-4-1), if the victim is less than eighteen
 - 26 (18) years of age.
 - 27 (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is
 - 28 less than eighteen (18) years of age.
 - 29 (C) Child molesting (IC 35-42-4-3).
 - 30 (D) Child exploitation (IC 35-42-4-4(b)).
 - 31 (E) Possession of child pornography (IC 35-42-4-4(c)).
 - 32 (F) Vicarious sexual gratification (IC 35-42-4-5).
 - 33 (G) Child solicitation (IC 35-42-4-6).
 - 34 (H) Child seduction (IC 35-42-4-7).
 - 35 (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - 36 (J) Incest (IC 35-46-1-3), if the victim is less than eighteen
 - 37 (18) years of age.

38 However, limited criminal history information obtained from the

1 National Crime Information Center may not be released under this
 2 section except to the extent permitted by the Attorney General of the
 3 United States.

4 (b) A law enforcement agency shall allow inspection of a limited
 5 criminal history by and release a limited criminal history to the
 6 following noncriminal justice organizations:

7 (1) Federally chartered or insured banking institutions.

8 (2) Officials of state and local government for any of the
 9 following purposes:

10 (A) Employment with a state or local governmental entity.

11 (B) Licensing.

12 (3) Segments of the securities industry identified under 15 U.S.C.
 13 78q(f)(2).

14 (c) Any person who knowingly or intentionally uses limited criminal
 15 history for any purpose not specified under this section commits a
 16 Class A misdemeanor.

17 SECTION 6. IC 11-10-7-5, AS AMENDED BY P.L.146-2008,
 18 SECTION 369, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The earnings of an
 20 offender employed under this chapter shall be surrendered to the
 21 department. This amount shall be distributed in the following order:

22 (1) Not less than twenty percent (20%) of the offender's gross
 23 earnings to be given to the offender or retained by the department.
 24 If retained by the department, the amount, with accrued interest
 25 if interest on the amount is earned, must be returned to the
 26 offender not later than at the time of the offender's release on
 27 parole or discharge.

28 (2) State and federal income taxes and Social Security deductions.

29 (3) The expenses of room and board, as fixed by the department
 30 and the budget agency, in facilities operated by the department,
 31 or, if the offender is housed in a facility not operated by the
 32 department, the amount paid by the department to the operator of
 33 the facility or other appropriate authority for room and board and
 34 other incidentals as established by agreement between the
 35 department and the appropriate authority.

36 (4) The support of the offender's dependents, when directed by the
 37 offender or ordered by the court to pay this support. If the
 38 offender's dependents are receiving welfare assistance, the

1 appropriate ~~local~~ **county** office of the division of family resources
 2 or welfare department in another state shall be notified of these
 3 disbursements.

4 (5) Ten percent (10%) of the offender's gross earnings, to be
 5 deposited in the violent crime victims compensation fund
 6 established by IC 5-2-6.1-40.

7 (b) Any remaining amount shall be given to the offender or retained
 8 by the department in accord with subsection (a)(1).

9 (c) The department may, when special circumstances warrant or for
 10 just cause, waive the collection of room and board charges by or on
 11 behalf of a facility operated by the department or, if the offender is
 12 housed in a facility not operated by the department, authorize payment
 13 of room and board charges from other available funds.

14 SECTION 7. IC 11-10-8-6, AS AMENDED BY P.L.146-2008,
 15 SECTION 370, IS AMENDED TO READ AS FOLLOWS
 16 [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The earnings of an
 17 offender employed in a work release program under this chapter, less
 18 payroll deductions required by law and court ordered deductions for
 19 satisfaction of a judgment against the offender, shall be surrendered to
 20 the department or its designated representative. The remaining earnings
 21 shall be distributed in the following order:

22 (1) State and federal income taxes and Social Security deductions
 23 not otherwise withheld.

24 (2) The cost of membership in an employee organization.

25 (3) Ten percent (10%) of the offender's gross earnings, to be
 26 deposited in the violent crime victims compensation fund
 27 established by IC 5-2-6.1-40.

28 (4) Not less than fifteen percent (15%) of the offender's gross
 29 earnings, if that amount of the gross is available after the above
 30 deductions, to be given to the offender or retained by the
 31 department. If retained by the department, the amount, with
 32 accrued interest, must be returned to the offender not later than at
 33 the time of the offender's release on parole or discharge.

34 (5) The expense of room and board, as fixed by the department
 35 and the budget agency, in facilities operated by the department,
 36 or, if the offender is housed in a facility not operated by the
 37 department, the amount paid by the department to the operator of
 38 the facility or other appropriate authority for room and board and

1 other incidentals as established by agreement between the
2 department and the appropriate authority.

3 (6) Transportation cost to and from work, and other work related
4 incidental expenses.

5 (7) Court ordered costs or fines imposed as a result of conviction
6 of an offense under Indiana law, unless the costs or fines are
7 being paid through other means.

8 (b) After the amounts prescribed in subsection (a) are deducted, the
9 department may, out of the remaining amount:

10 (1) when directed by the offender or ordered by the court, pay for
11 the support of the offender's dependents (if the offender's
12 dependents are receiving welfare assistance, the appropriate ~~local~~
13 **county** office of the division of family resources or welfare
14 department in another state shall be notified of these
15 disbursements); and

16 (2) with the consent of the offender, pay to the offender's victims
17 or others any unpaid obligations of the offender.

18 (c) Any remaining amount shall be given to the offender or retained
19 by the department in accord with subsection (a)(4).

20 (d) The department may, when special circumstances warrant or for
21 just cause, waive the collection of room and board charges by or on
22 behalf of a facility operated by the department or, if the offender is
23 housed in a facility not operated by the department, authorize payment
24 of room and board charges from other available funds.

25 SECTION 8. IC 11-12-2-2, AS AMENDED BY P.L.146-2008,
26 SECTION 371, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) To qualify for financial
28 aid under this chapter, a county must establish a community corrections
29 advisory board by resolution of the county executive or, in a county
30 having a consolidated city, by the city-county council. A community
31 corrections advisory board consists of:

32 (1) the county sheriff or the sheriff's designee;

33 (2) the prosecuting attorney or the prosecuting attorney's
34 designee;

35 (3) the director of the ~~local~~ **county** office of the division of family
36 resources or the director's designee;

37 (4) the executive of the most populous municipality in the county
38 or the executive's designee;

1 (5) two (2) judges having criminal jurisdiction, if available,
2 appointed by the circuit court judge or the judges' designees;

3 (6) one (1) judge having juvenile jurisdiction, appointed by the
4 circuit court judge;

5 (7) one (1) public defender or the public defender's designee, if
6 available, or one (1) attorney with a substantial criminal defense
7 practice appointed by the county executive or, in a county having
8 a consolidated city, by the city-county council;

9 (8) one (1) victim, or victim advocate if available, appointed by
10 the county executive or, in a county having a consolidated city, by
11 the city-county council;

12 (9) one (1) ex-offender, if available, appointed by the county
13 executive or, in a county having a consolidated city, by the
14 city-county council; and

15 (10) the following members appointed by the county executive or,
16 in a county having a consolidated city, by the city-county council:

17 (A) One (1) member of the county fiscal body or the member's
18 designee.

19 (B) One (1) probation officer.

20 (C) One (1) educational administrator.

21 (D) One (1) representative of a private correctional agency, if
22 such an agency exists in the county.

23 (E) One (1) mental health administrator, or, if there is none
24 available in the county, one (1) psychiatrist, psychologist, or
25 physician.

26 (F) Four (4) lay persons, at least one (1) of whom must be a
27 member of a minority race if a racial minority resides in the
28 county and a member of that minority is willing to serve.

29 (b) Designees of officials designated under subsection (a)(1)
30 through (a)(7) and (a)(10)(A) serve at the pleasure of the designating
31 official.

32 (c) Members of the advisory board appointed by the county
33 executive or, in a county having a consolidated city, by the city-county
34 council, shall be appointed for a term of four (4) years. The criminal
35 defense attorney, the ex-offender, and the victim or victim advocate
36 shall be appointed for a term of four (4) years. Other members serve
37 only while holding the office or position held at the time of
38 appointment. The circuit court judge may fill the position of the judge

1 having juvenile court jurisdiction by self appointment if the circuit
 2 court judge is otherwise qualified. A vacancy occurring before the
 3 expiration of the term of office shall be filled in the same manner as
 4 original appointments for the unexpired term. Members may be
 5 reappointed.

6 (d) Two (2) or more counties, by resolution of their county
 7 executives or, in a county having a consolidated city, by the city-county
 8 council, may combine to apply for financial aid under this chapter. If
 9 counties so combine, the counties may establish one (1) community
 10 corrections advisory board to serve these counties. This board must
 11 contain the representation prescribed in subsection (a), but the
 12 members may come from the participating counties as determined by
 13 agreement of the county executives or, in a county having a
 14 consolidated city, by the city-county council.

15 (e) The members of the community corrections advisory board shall,
 16 within thirty (30) days after the last initial appointment is made, meet
 17 and elect one (1) member as chairman and another as vice chairman
 18 and appoint a secretary-treasurer who need not be a member. A
 19 majority of the members of a community corrections advisory board
 20 may provide for a number of members that is:

21 (1) less than a majority of the members; and

22 (2) at least six (6);

23 to constitute a quorum for purposes of transacting business. The
 24 affirmative votes of at least five (5) members, but not less than a
 25 majority of the members present, are required for the board to take
 26 action. A vacancy in the membership does not impair the right of a
 27 quorum to transact business.

28 (f) The county executive and county fiscal body shall provide
 29 necessary assistance and appropriations to the community corrections
 30 advisory board established for that county. Appropriations required
 31 under this subsection are limited to amounts received from the
 32 following sources:

33 (1) Department grants.

34 (2) User fees.

35 (3) Other funds as contained within an approved plan.

36 Additional funds may be appropriated as determined by the county
 37 executive and county fiscal body.

38 SECTION 9. IC 11-12-5-3, AS AMENDED BY P.L.146-2008,

SECTION 373, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any earnings of a person
 employed under this chapter, less payroll deductions required by law
 and court ordered deductions for satisfaction of a judgment against that
 person, shall be collected by the county sheriff, probation department,
~~local~~ **county** office of the division of family resources, or other agency
 designated by the sentencing or committing court. Unless otherwise
 ordered by the court, the remaining earnings shall be distributed in the
 following order:

(1) To pay state and federal income taxes and Social Security
 deductions not otherwise withheld.

(2) To pay the cost of membership in an employee organization.

(3) Not less than fifteen percent (15%) of the person's gross
 earnings, if that amount of the gross is available after the above
 deductions, to be given to that person or retained for the person,
 with accrued interest, until the person's release or discharge.

(4) To pay for the person's room and board provided by the
 county.

(5) To pay transportation costs to and from work, and other work
 related incidental expenses.

(6) To pay court ordered costs, fines, or restitution.

(b) After the amounts prescribed in subsection (a) are deducted, the
 remaining amount may be used to:

(1) when directed by the person or ordered by the court, pay for
 the support of the person's dependents (if the person's dependents
 are receiving welfare assistance, the appropriate ~~local~~ **county**
 office of the division of family resources or welfare department in
 another state shall be notified of such disbursements); and

(2) with the consent of the person, pay to the person's victims or
 others any unpaid obligations of that person.

(c) Any remaining amount shall be given to the person or retained
 for the person according to subsection (a)(3).

(d) The collection of room and board under subsection (a)(4) may
 be waived.

SECTION 10. IC 12-7-2-45, AS AMENDED BY P.L.146-2008,
 SECTION 376, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 45. "County office" refers to a
~~local~~ **county** office of the division of family resources.

SECTION 11. IC 12-7-2-46, AS AMENDED BY P.L.146-2008,
SECTION 377, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 46. "County director" refers to
a director of a ~~local~~ **county** office of the division of family resources.

SECTION 12. IC 12-13-5-14 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: **Sec. 14. (a) As used in this section,**
"commission" refers to the select joint commission on Medicaid
oversight (IC 2-5-26-3).

(b) A contractor for the division, office, or secretary that has
responsibility for processing eligibility intake for the federal
Supplemental Nutrition Assistance program (SNAP), the
Temporary Assistance for Needy Families (TANF) program, and
the Medicaid program shall do the following:

(1) Review the eligibility intake process for:

(A) document management issues, including:

(i) lost documents;

(ii) number of documents received by facsimile;

(iii) number of documents received by mail;

(iv) number of complaints from clients regarding lost
documents; and

(v) number of complaints from clients resolved
regarding lost documents;

(B) direct client assistance at county offices, including the:

(i) number of clients helped directly in completing
eligibility application forms;

(ii) number of clients applying for expedited assistance;
and

(iii) percentage of clients receiving expedited assistance
approval within seven (7) days or less; and

(C) call wait times and abandonment rates.

(2) Provide oral and written reports to the commission
concerning matters described in subdivision (1):

(A) in a manner and format agreed upon with the
commission; and

(B) whenever the commission requests.

(c) Solely referring an individual to a computer or telephone
does not constitute direct assistance referenced in subsection

1 **(b)(1)(B).**

2 **(d) For the purposes of subsection (b), a program serviced by**
 3 **the county office includes the following programs:**

4 **(1) Temporary Assistance for Needy Families (TANF)**
 5 **program.**

6 **(2) Medicaid program.**

7 **(3) Federal Supplemental Nutrition Assistance program**
 8 **(SNAP) under 7 U.S.C. 2011 et seq.**

9 SECTION 13. IC 12-15-1-4.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) An employee of the office**
 12 **of the secretary of family and social services who works at a county**
 13 **office shall directly assist any individual who enters the county**
 14 **office and requests assistance with the eligibility process for any**
 15 **program serviced by the county office. The direct assistance**
 16 **required by this subsection includes helping the individual to**
 17 **complete the application forms and responding to any questions**
 18 **the individual has concerning the application.**

19 **(b) Solely referring an individual to a computer or telephone**
 20 **does not constitute direct assistance required by subsection (a).**

21 **(c) For the purposes of subsection (a), a program serviced by the**
 22 **county office includes the following programs:**

23 **(1) Temporary Assistance for Needy Families (TANF)**
 24 **program.**

25 **(2) Medicaid program.**

26 **(3) Federal Supplemental Nutrition Assistance program**
 27 **(SNAP) under 7 U.S.C. 2011 et seq.**

28 SECTION 14. IC 12-15-1.5-8, AS AMENDED BY P.L.146-2008,
 29 SECTION 386, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) The codirectors of the**
 31 **election division shall provide the division of family resources with a**
 32 **list of the current addresses and telephone numbers of the offices of the**
 33 **circuit court clerk or board of registration in each county. The division**
 34 **of family resources shall promptly forward the list and each revision of**
 35 **the list to each local county office.**

36 **(b) The codirectors shall provide the division of family resources**
 37 **with pre-addressed packets for county offices to transmit applications**
 38 **under section 6(1) or 6(2) of this chapter.**

SECTION 15. IC 12-15-9-0.6, AS AMENDED BY P.L.145-2006, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in IC 32-17-13.

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the ~~local~~ **county** office of the division of family resources.

SECTION 16. IC 12-15-30-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8. (a) The office shall require a contractor that assists in the administration of eligibility determinations for individuals' participation in a program administered by the office to implement a document tracking system that includes the following:**

(1) A numerical receipt for each document submitted by an applicant during the application or renewal process.

(2) A verification of each document received by the contractor not later than twenty-four (24) hours after the document has been received.

(b) The verification of a document required by subsection (a)(2) must meet the following requirements:

(1) The verification must occur in the following format:

(A) If the document is received by facsimile, a return facsimile receipt.

(B) If the document is received by electronic mail, a return electronic mail receipt.

(C) If the document is received at a county office, a written receipt from an employee of the county office.

(2) Each document's numerical tracking number must be included on the receipt for the document.

SECTION 17. IC 12-15-30-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. (a) The office shall require a contractor that assists in the administration of eligibility determinations for individuals' participation in a program**

1 administered by the office to provide a health care facility that
 2 receives compensation under the Medicaid program with a
 3 dedicated telephone number:

4 (1) that connects the facility with the contractor on a
 5 twenty-four (24) hour basis per day; and

6 (2) through which the facility may obtain expedited assistance
 7 in eligibility determinations and eligibility renewals.

8 (b) A contractor described in subsection (a) must do the
 9 following:

10 (1) Acknowledge the receipt of a telephone call from a facility
 11 on the number described in subsection (a) not later than
 12 twenty-four (24) hours after the telephone call was made.

13 (2) Provide the facility with one (1) of the following:

14 (A) If the contractor determines that the application or
 15 documents accompanying the application are incomplete,
 16 detailed information on the deficiencies of the application
 17 and the manner in which to remedy the deficiencies.

18 (B) If the contractor determines that the application is
 19 complete, written confirmation that the application is
 20 complete.

21 SECTION 18. IC 12-19-1-1, AS AMENDED BY P.L.146-2008,
 22 SECTION 392, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 1. The division shall establish
 24 ~~local county~~ offices of family resources in each county. ~~or district~~
 25 ~~designated by the division.~~

26 SECTION 19. IC 12-19-1-2, AS AMENDED BY P.L.146-2008,
 27 SECTION 393, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The director of the
 29 division shall appoint a ~~local county~~ director for each ~~local county~~
 30 office.

31 (b) A ~~local county~~ director must be a citizen of the United States.

32 SECTION 20. IC 12-19-1-3, AS AMENDED BY P.L.146-2008,
 33 SECTION 394, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: Sec. 3. The ~~local county~~ director is
 35 the executive and administrative officer of the ~~local county~~ office.

36 SECTION 21. IC 12-19-1-4, AS AMENDED BY P.L.146-2008,
 37 SECTION 395, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A ~~local county~~ director

1 is entitled to receive as compensation for the ~~local~~ **county** director's
2 services an amount determined by the division that is within:

3 (1) the lawfully established appropriations; and

4 (2) the salary ranges of the pay plan adopted by the state
5 personnel department and approved by the budget committee.

6 (b) Compensation paid to a ~~local~~ **county** director shall be paid in the
7 same manner that compensation is paid to other state employees.

8 SECTION 22. IC 12-19-1-5, AS AMENDED BY P.L.146-2008,
9 SECTION 396, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) In addition to the
11 compensation paid under this article, a ~~local~~ **county** director may
12 receive for each mile necessarily traveled in the discharge of the ~~local~~
13 **county** director's duties the same amount per mile that other state
14 employees receive.

15 (b) A ~~local~~ **county** director is also entitled to a per diem for lodging
16 and meal expenses if the ~~local~~ **county** director's official duties require
17 the ~~local~~ **county** director to travel outside of the county where the ~~local~~
18 **county** director's permanent office is located. The per diem for a ~~local~~
19 **county** director's lodging and meals shall be paid at the rate set by law
20 for other state employees.

21 SECTION 23. IC 12-19-1-7, AS AMENDED BY P.L.146-2008,
22 SECTION 397, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The ~~local~~ **county** director
24 shall appoint from eligible lists established by the state personnel
25 department the number of assistants necessary to administer the
26 welfare activities within the county ~~or district~~ that are administered by
27 the division under IC 12-13 through IC 12-19 or by an administrative
28 rule, with the approval of the director of the division.

29 (b) The division, for personnel performing activities described in
30 subsection (a), shall determine the compensation of the assistants
31 within the salary ranges of the pay plan adopted by the state personnel
32 department and approved by the budget agency, with the advice of the
33 budget committee, and within lawfully established appropriations.

34 SECTION 24. IC 12-19-1-8, AS AMENDED BY P.L.146-2008,
35 SECTION 398, IS AMENDED TO READ AS FOLLOWS
36 [EFFECTIVE UPON PASSAGE]: Sec. 8. The costs of personal
37 services in the administration of a ~~local~~ **county** office's duties described
38 in section 7(a) of this chapter shall be paid by the division.

1 SECTION 25. IC 12-19-1-9, AS AMENDED BY P.L.146-2008,
 2 SECTION 399, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The division shall
 4 provide the necessary facilities to house the ~~local~~ **county** office.

5 (b) The division shall pay for the costs of the facilities, supplies, and
 6 equipment needed by each ~~local~~ **county** office.

7 SECTION 26. IC 12-19-1-10, AS AMENDED BY P.L.146-2008,
 8 SECTION 400, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to the rules adopted
 10 by the director of the division, a ~~local~~ **county** office shall administer
 11 the following:

12 (1) Assistance to dependent children in the homes of the
 13 dependent children.

14 (2) Assistance and services to elderly persons.

15 (3) Assistance to persons with disabilities.

16 (4) Care and treatment of the following persons, other than
 17 persons for whom the department of child services is providing
 18 services under IC 31 for the following:

19 (A) Dependent children.

20 (B) Children with disabilities.

21 (5) Any other welfare activities that are delegated to the ~~local~~
 22 **county** office by the division, including services concerning
 23 assistance to the blind.

24 SECTION 27. IC 12-19-1-13, AS AMENDED BY P.L.146-2008,
 25 SECTION 401, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) A ~~local~~ **county** office
 27 may sue and be sued under the name of "The Office of Family
 28 Resources of _____" (~~Insert: County". or "District", as~~
 29 ~~appropriate~~).

30 (b) The ~~local~~ **county** office has all other rights and powers and shall
 31 perform all other duties necessary to administer this chapter.

32 (c) A suit brought against a ~~local~~ **county** office may be filed in any
 33 circuit or superior court with jurisdiction in the area served by the ~~local~~
 34 **county** office.

35 (d) A notice or summons in a suit brought against the ~~local~~ **county**
 36 office must be served on the ~~local~~ **county** director. It is not required to
 37 name the individual employees of the ~~local~~ **county** office as either
 38 plaintiff or defendant.

1 SECTION 28. IC 12-19-1-15, AS AMENDED BY P.L.146-2008,
2 SECTION 402, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) The division may
4 receive and administer a gift, devise, or bequest of personal property,
5 including the income from real property, that is to or for the benefit of
6 an individual receiving payments or services through a ~~local~~ **county**
7 office.

8 (b) The division shall establish a special fund or an account in a
9 trust fund for the money received under this section. The expenses of
10 administering the fund or account shall be paid from money in the fund
11 or account. The money may not be commingled with money received
12 from taxation.

13 (c) The treasurer of state shall invest the money in the fund or
14 account not currently needed to meet the obligations of the fund or
15 account in the same manner as other public money may be invested.
16 Interest that accrues from these investments shall be deposited in the
17 fund or account.

18 (d) Money in the fund or account at the end of a state fiscal year
19 does not revert to the state general fund.

20 (e) Subject to the approval of the judge or the court of the county
21 having probate jurisdiction, money in the fund or account may be
22 expended by the division in any manner consistent with the purposes
23 of the fund or account created under this section and with the intention
24 of the donor.

25 SECTION 29. IC 12-19-1-16, AS AMENDED BY P.L.146-2008,
26 SECTION 403, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) This section does not
28 apply to money appropriated by the general assembly, including any
29 federal grant.

30 (b) The family resources trust clearance fund is established to
31 administer money available to or for the benefit of an individual
32 receiving payments or services through a ~~local~~ **county** office. The fund
33 shall be administered by the division. Separate accounts in the fund
34 shall be established, as appropriate, to carry out the purposes of the
35 donors of the money deposited in the fund.

36 (c) The expenses of administering the fund shall be paid from
37 money in the fund.

38 (d) Money in the fund may not be commingled with any other fund

or with money received from taxation. The money may be expended by the ~~local~~ **county** office in any manner consistent with the following:

- (1) The purpose of the fund or with the intention of the donor of the money.
- (2) Indiana law.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 30. IC 12-19-1-18, AS AMENDED BY P.L.146-2008, SECTION 404, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) After petition to and with the approval of the judge of a circuit court of the county where an applicant for or recipient of public assistance resides (or, if a superior court has probate jurisdiction in the county, the superior court that has probate jurisdiction where the recipient of public assistance resides), a ~~local~~ **county** office may take the actions described in subsection (b) if:

- (1) an applicant for public assistance is physically or mentally incapable of completing an application for assistance; or
- (2) a recipient of public assistance:
 - (A) is incapable of managing the recipient's affairs; or
 - (B) refuses to:
 - (i) take care of the recipient's money properly; or
 - (ii) comply with the director of the division's rules and policies.

(b) If the conditions of subsection (a) are satisfied, the ~~local~~ **county** office may designate a responsible person to do the following:

- (1) Act for the applicant or recipient.
- (2) Receive on behalf of the recipient the assistance the recipient is eligible to receive under any of the following:
 - (A) This chapter.
 - (B) IC 12-10-6.
 - (C) IC 12-14-1 through IC 12-14-9.5.
 - (D) IC 12-14-13 through IC 12-14-19.
 - (E) IC 12-15.

1 (F) IC 16-35-2.

2 (c) A fee for services provided under this section may be paid to the
3 responsible person in an amount not to exceed ten dollars (\$10) each
4 month. The fee may be allowed:

- 5 (1) in the monthly assistance award; or
- 6 (2) by vendor payment if the fee would cause the amount of
7 assistance to be increased beyond the maximum amount permitted
8 by statute.

9 SECTION 31. IC 12-19-1-19, AS AMENDED BY P.L.146-2008,
10 SECTION 405, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) A responsible person
12 approved under section 18 of this chapter preferably must be a relative
13 or friend of good moral character whose interest is limited to the
14 well-being of the applicant or recipient. However, the responsible
15 person may not be any of the following:

- 16 (1) An employee of the ~~local~~ **county** office.
- 17 (2) The superintendent of a county home.
- 18 (3) A person directly or indirectly financially connected with a
19 health facility or an institution giving care to the recipient.
- 20 (4) A person directly or indirectly connected with the operation of
21 a health facility or an institution giving care to the recipient.

22 (b) Costs may not be charged by a person or public official in
23 proceedings concerning the appointment of a responsible person under
24 section 18 of this chapter.

25 SECTION 32. IC 12-19-2-2, AS AMENDED BY P.L.146-2008,
26 SECTION 409, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE UPON PASSAGE]: Sec. 2. The following are not
28 personally liable, except to the state, for an official act done or omitted
29 in connection with the performance of duties under this article:

- 30 (1) The director of the division.
- 31 (2) Officers and employees of the division.
- 32 (3) Officers and employees of a ~~local~~ **county** office.

33 SECTION 33. IC 12-19-2-3, AS AMENDED BY P.L.146-2008,
34 SECTION 410, IS AMENDED TO READ AS FOLLOWS
35 [EFFECTIVE UPON PASSAGE]: Sec. 3. An officer or employee of:

- 36 (1) the division; or
- 37 (2) a ~~local~~ **county** office;
- 38 may administer oaths and affirmations required to carry out the

1 purposes of this article or of any other statute imposing duties on the
2 ~~local~~ **county** office.

3 SECTION 34. IC 12-19-2-5, AS AMENDED BY P.L.146-2008,
4 SECTION 411, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE UPON PASSAGE]: Sec. 5. A person who is related to a
6 ~~local~~ **county** director in the following manner is not eligible for a
7 position in the ~~local~~ **county** office:

- 8 (1) Husband or wife.
- 9 (2) Father or mother.
- 10 (3) Son or daughter.
- 11 (4) Son-in-law or daughter-in-law.
- 12 (5) Brother or sister.
- 13 (6) Niece or nephew.
- 14 (7) Uncle or aunt.

15 SECTION 35. IC 12-19-2-6, AS AMENDED BY P.L.146-2008,
16 SECTION 412, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: Sec. 6. A person prohibited under
18 section 5 of this chapter from employment with a ~~local~~ **county** office
19 may not receive compensation for services performed for the ~~local~~
20 **county** office from appropriations made by the state or by the county.".

21 Page 1, between lines 8 and 9, begin a new paragraph and insert:

22 "SECTION 37. IC 16-33-3-10, AS AMENDED BY P.L.146-2008,
23 SECTION 436, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE UPON PASSAGE]: Sec. 10. Whenever the circuit court
25 having jurisdiction finds, upon application by the ~~local~~ **county** office
26 of the division of family resources, that the parent or guardian of a
27 client placed in the center is unable to meet the costs that the parent or
28 guardian is required to pay for the services of the center, the court shall
29 order payment of the costs from the county general fund.

30 SECTION 38. IC 16-34-2-1.1, AS AMENDED BY P.L.146-2008,
31 SECTION 444, IS AMENDED TO READ AS FOLLOWS
32 [EFFECTIVE UPON PASSAGE]: Sec. 1.1. (a) An abortion shall not
33 be performed except with the voluntary and informed consent of the
34 pregnant woman upon whom the abortion is to be performed. Except
35 in the case of a medical emergency, consent to an abortion is voluntary
36 and informed only if the following conditions are met:

- 37 (1) At least eighteen (18) hours before the abortion and in the
38 presence of the pregnant woman, the physician who is to perform

the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined in IC 34-18-2-19) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has orally informed the pregnant woman of the following:

(A) The name of the physician performing the abortion.

(B) The nature of the proposed procedure or treatment.

(C) The risks of and alternatives to the procedure or treatment.

(D) The probable gestational age of the fetus, including an offer to provide:

(i) a picture or drawing of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be orally informed of the following:

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the ~~local~~ **county** office of the division of family resources.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(3) The pregnant woman certifies in writing, before the abortion is performed, that the information required by subdivisions (1) and (2) has been provided.

(b) Before an abortion is performed, the pregnant woman may, upon

1 the pregnant woman's request, view the fetal ultrasound imaging and
 2 hear the auscultation of the fetal heart tone if the fetal heart tone is
 3 audible.

4 SECTION 39. IC 20-21-2-8, AS AMENDED BY P.L.146-2008,
 5 SECTION 457, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: Sec. 8. Upon the presentation of
 7 satisfactory evidence showing that:

8 (1) there is a school age individual with a visual disability
 9 residing in a county;

10 (2) the individual is entitled to the facilities of the school;

11 (3) the individual's parent wishes the individual to participate in
 12 the school's educational program but is unable to pay the expenses
 13 of maintaining the individual at the school; and

14 (4) the individual is entitled to placement in the school under
 15 section 6 of this chapter;

16 a court with jurisdiction shall, upon application by the ~~local~~ **county**
 17 office of the division of family resources, order the individual to be sent
 18 to the school at the expense of the county. The expenses include the
 19 expenses described in section 10 of this chapter and shall be paid from
 20 the county general fund.

21 SECTION 40. IC 20-22-2-8, AS AMENDED BY P.L.146-2008,
 22 SECTION 458, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE UPON PASSAGE]: Sec. 8. Upon the presentation of
 24 satisfactory evidence showing that:

25 (1) there is a school age individual with a hearing disability
 26 residing in a county;

27 (2) the individual is entitled to the facilities of the school;

28 (3) the individual's parent wishes the individual to participate in
 29 the school's educational program but is unable to pay the expenses
 30 of maintaining the individual at the school; and

31 (4) the individual is entitled to placement in the school under
 32 section 6 of this chapter;

33 a court with jurisdiction shall, upon application by the ~~local~~ **county**
 34 office of the division of family resources, order the individual to be sent
 35 to the school at the expense of the county. The expenses include the
 36 expenses described in section 10 of this chapter and shall be paid from
 37 the county general fund.

38 SECTION 41. IC 20-26-11-9, AS AMENDED BY P.L.146-2008,

SECTION 469, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2009]: Sec. 9. (a) This section applies to each student:

- (1) described in section 8(a) of this chapter;
- (2) who is placed in a home or facility in Indiana that is outside the school corporation where the student has legal settlement; and
- (3) for which the state is not obligated to pay transfer tuition.

(b) Not later than ten (10) days after the department of child services **or a probation department** places or changes the placement of a student, the department of child services **or probation department** that placed the student shall notify the school corporation where the student has legal settlement and the school corporation where the student will attend school of the placement or change of placement. Before June 30 of each year, ~~a county~~ **the department of child services or a probation department** that places a student in a home or facility shall notify the school corporation where a student has legal settlement and the school corporation in which a student will attend school if a student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

- (1) the department of child services, if the ~~department of child services placed or consented to the placement of the student; is a~~ **child in need of services**; or
- (2) if subdivision (1) does not apply, the court or other agency making the placement."

Page 3, line 31, strike "and the office of the".

Page 3, line 32, strike "secretary of family and social services".

Page 4, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 13. IC 31-9-2-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9.6. "Assessment", for purposes of IC 31-25 and IC 31-33, means an initial and ongoing investigation or evaluation that includes:

- (1) a review and determination of the safety issues that affect a child and:
 - (A) a child's parents, guardians, or custodians; or
 - (B) another individual residing in the residence where the child resides or is likely to reside;

(2) an identification of the underlying causes of the safety issues described in subdivision (1);

(3) a determination whether child abuse, neglect, or maltreatment occurred; and

(4) a determination of the needs of a child's family in order for the child to:

(A) remain in the home safely;

(B) be returned to the home safely; or

(C) be placed in an alternative living arrangement."

Page 4, line 30, delete "31-9-2-43.2" and insert "31-9-2-42.3".

Page 4, line 32, delete "43.2." and insert "**42.3**".

Page 4, line 32, delete "is".

Page 4, delete lines 35 through 42.

Page 5, delete line 1.

Page 5, line 11, after "any" insert "**other**".

Page 5, line 11, delete "the" and insert "**either**".

Page 7, line 12, delete "furnish" and insert "**furnished**".

Page 9, delete lines 38 through 42.

Delete page 10.

Page 11, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 13. IC 31-19-8-1, AS AMENDED BY P.L.138-2007, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. An adoption may be granted in Indiana only after:

(1) the court has heard the evidence; and

(2) except as provided in section 2(c) of this chapter, a period of supervision, as described in section 2 of this chapter, by:

(A) a licensed child placing agency **for a child who has not been adjudicated to be a child in need of services;** or

(B) **if the child is the subject of an open child in need of services action,** the county office of family and children approved for that purpose by the department.

SECTION 14. IC 31-19-8-3, AS AMENDED BY P.L.145-2006, SECTION 249, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The department shall annually compile a list of:

(1) licensed child placing agencies; and

(2) county offices of family and children;

that conduct the inspection and supervision required for adoption of a child by IC 31-19-7-1 and section 1 of this chapter.

(b) The list of licensed child placing agencies and county offices of family and children must include a description of the following:

(1) Fees charged by each agency and county office of family and children.

(2) Geographic area served by each agency and county office of family and children.

(3) Approximate waiting period for the inspection or supervision by each **licensed child placing** agency and county office of family and children.

(4) Other relevant information regarding the inspection and supervision provided by ~~an~~ **a licensed child placing** agency or a county office of family and children under IC 31-19-7-1 and section 1 of this chapter.

(c) The department shall do the following:

(1) Maintain in its office ~~sufficient~~ **or on its web site** copies of the list compiled under this section for distribution to individuals who request a copy.

(2) Provide the following persons with sufficient copies of the list prepared under this section for distribution to individuals who request a copy:

(A) Each clerk of a court having probate jurisdiction in a county.

(B) Each county office of family and children.

(3) Provide a copy of the list to each public library organized under IC 36-12.

(d) The department and each:

(1) county office of family and children;

(2) clerk of a court having probate jurisdiction in a county; and

(3) public library organized under IC 36-12;

shall make the list compiled under this section available for public inspection."

Page 11, delete lines 13 through 42.

Page 12, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 16. IC 31-19-8-5, AS AMENDED BY P.L.138-2007, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except as provided in subsection (c), not

1 more than sixty (60) days from the date of reference of a petition for
2 adoption to each appropriate agency:

3 (1) each ~~agency or the county office of family and children~~
4 **licensed child placing agency, for a child who is not**
5 **adjudicated to be a child in need of services; or**

6 **(2) if the child is the subject of an open child in need of**
7 **services action, each county office of family and children;**

8 shall submit to the court a written report of the investigation and
9 recommendation as to the advisability of the adoption.

10 (b) The ~~agency's or county office of family and children's~~ report and
11 recommendation:

12 (1) shall be filed with the adoption proceedings; and

13 (2) become a part of the proceedings.

14 (c) A court hearing a petition for adoption of a child

15 ~~(1)~~ may waive the report required under subsection (a) if one (1)
16 of the petitioners is a stepparent or grandparent of the child and
17 the court waives the period of supervision. ~~under section 2(c) of~~
18 ~~this chapter; and~~

19 ~~(2) may require the county office of family and children or a child~~
20 ~~placing agency to:~~

21 ~~(A) investigate any matter related to an adoption; and~~

22 ~~(B) report to the court the results of the investigation.~~

23 (d) If the court waives the reports required under subsection (a), the
24 court shall require the ~~county office of family and children or a child~~
25 ~~placing agency~~ **licensed child placing agency for a child who is not**
26 **adjudicated to be a child in need of services or, if the child is the**
27 **subject of an open child in need of services action, each county**
28 **office of family and children to:**

29 (1) ~~conduct~~ **ensure** a criminal history check **is conducted** under
30 IC 31-19-2-7.5; and

31 (2) report to the court the results of the criminal history check."

32 Page 12, line 7, after "report" insert "**required by section 5 of this**
33 **chapter**".

34 Page 12, line 10, strike "(3) Whether the child is classified as hard
35 to place,".

36 Page 12, line 10, delete "as defined by".

37 Page 12, delete line 11.

38 Page 12, line 16, strike "(4)" and insert "(3)".

- 1 Page 12, line 28, delete "." and insert "**submitted under section 5**
- 2 **of this chapter.**".
- 3 Page 12, delete lines 32 through 37.
- 4 Page 13, delete lines 12 through 42.
- 5 Page 14, delete lines 1 through 30.
- 6 Page 18, line 14, reset in roman "county".
- 7 Page 18, line 14, delete "local".
- 8 Page 18, line 18, reset in roman "county".
- 9 Page 18, line 18, delete "local".
- 10 Page 20, line 22, after "4-22-2-37.1" insert ",".
- 11 Page 34, delete lines 1 through 14, begin a new paragraph and
- 12 insert:
- 13 "SECTION 49. IC 31-33-8-12, AS AMENDED BY P.L.234-2005,
- 14 SECTION 126, IS AMENDED TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2009]: Sec. 12. ~~(a)~~ Upon completion of an
- 16 ~~investigation; assessment,~~ the department shall classify reports as
- 17 substantiated ~~indicated;~~ or unsubstantiated.
- 18 ~~(b) Except as provided in subsection (c); the department shall~~
- 19 ~~expunge investigation records one (1) year after a report has been~~
- 20 ~~classified as indicated under subsection (a);~~
- 21 ~~(c) If the department has:~~
- 22 ~~(1) classified a report under subsection (a) as indicated; and~~
- 23 ~~(2) not expunged the report under subsection (b);~~
- 24 ~~and the subject of the report is the subject of a subsequent report; the~~
- 25 ~~one (1) year period in subsection (b) is tolled for one (1) year after the~~
- 26 ~~date of the subsequent report."~~
- 27 Page 34, between lines 34 and 35, begin a new paragraph and insert:
- 28 "SECTION 51. IC 31-33-18-1.5, AS AMENDED BY P.L.145-2006,
- 29 SECTION 284, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) This section applies to
- 31 records held by:
- 32 (1) the division of family resources;
- 33 (2) a county office;
- 34 (3) the department;
- 35 (4) a local child fatality review team established under
- 36 IC 31-33-24; or
- 37 (5) the statewide child fatality review committee established
- 38 under IC 31-33-25;

1 regarding a child whose death or near fatality may have been the result
2 of abuse, abandonment, or neglect.

3 (b) For purposes of subsection (a), a child's death or near fatality
4 may have been the result of abuse, abandonment, or neglect if:

5 (1) an entity described in subsection (a) determines that the child's
6 death or near fatality is the result of abuse, abandonment, or
7 neglect; or

8 (2) a prosecuting attorney files:

9 (A) an indictment or information; or

10 (B) a complaint alleging the commission of a delinquent act;
11 that, if proven, would cause a reasonable person to believe that
12 the child's death or near fatality may have been the result of
13 abuse, abandonment, or neglect.

14 Upon the request of any person, or upon its own motion, the court
15 exercising juvenile jurisdiction in the county in which the child's death
16 or near fatality occurred shall determine whether the allegations
17 contained in the indictment, information, or complaint described in
18 subdivision (2), if proven, would cause a reasonable person to believe
19 that the child's death or near fatality may have been the result of abuse,
20 abandonment, or neglect.

21 (c) As used in this section:

22 (1) "identifying information" means information that identifies an
23 individual, including an individual's:

24 (A) name, address, date of birth, occupation, place of
25 employment, and telephone number;

26 (B) employer identification number, mother's maiden name,
27 Social Security number, or any identification number issued by
28 a governmental entity;

29 (C) unique biometric data, including the individual's
30 fingerprint, voice print, or retina or iris image;

31 (D) unique electronic identification number, address, or
32 routing code;

33 (E) telecommunication identifying information; or

34 (F) telecommunication access device, including a card, a plate,
35 a code, an account number, a personal identification number,
36 an electronic serial number, a mobile identification number, or
37 another telecommunications service or device or means of
38 account access; and

1 (2) "near fatality" has the meaning set forth in 42 U.S.C. 5106a.

2 (d) Unless information in a record is otherwise confidential under
3 state or federal law, a record described in subsection (a) that has been
4 redacted in accordance with this section is not confidential and may be
5 disclosed to any person who requests the record. The person requesting
6 the record may be required to pay the reasonable expenses of copying
7 the record.

8 (e) When a person requests a record described in subsection (a), the
9 entity having control of the record shall immediately transmit a copy of
10 the record to the court exercising juvenile jurisdiction in the county in
11 which the death or near fatality of the child occurred. However, if the
12 court requests that the entity having control of a record transmit the
13 original record, the entity shall transmit the original record.

14 (f) Upon receipt of the record described in subsection (a), the court
15 shall, within thirty (30) days, redact the record to exclude:

16 (1) identifying information described in subsection (c)(1)(B)
17 through (c)(1)(F) of a person; and

18 (2) all identifying information of a child less than eighteen (18)
19 years of age.

20 (g) The court shall disclose the record redacted in accordance with
21 subsection (f) to any person who requests the record, if the person has
22 paid:

23 (1) to the entity having control of the record, the reasonable
24 expenses of copying under IC 5-14-3-8; and

25 (2) to the court, the reasonable expenses of copying the record.

26 **(h) The data and information in a record disclosed under this**
27 **section must include the following:**

28 **(1) A summary of the report of abuse or neglect and a factual**
29 **description of the contents of the report.**

30 **(2) The date of birth and gender of the child.**

31 **(3) The cause of the fatality or near fatality, if the cause has**
32 **been determined.**

33 **(4) Whether the department or the office of the secretary of**
34 **family and social services had any contact with the child or a**
35 **member of the child's family or household before the fatality**
36 **or near fatality, and, if the department or the office of the**
37 **secretary of family and social services had contact, the**
38 **following:**

(A) The frequency of the contact or communication with the child or a member of the child's family or household before the fatality or near fatality and the date on which the last contact or communication occurred before the fatality or near fatality.

(B) A summary of the status of the child's case at the time of the fatality or near fatality, including:

(i) whether the child's case was closed by the department or the office of the secretary of family and social services before the fatality or near fatality; and

(ii) if the child's case was closed as described under item (i), the reasons that the case was closed.

~~(h)~~ (i) The court's determination under subsection (f) that certain identifying information or other information is not relevant to establishing the facts and circumstances leading to the death or near fatality of a child is not admissible in a criminal proceeding or civil action."

Page 35, line 20, delete "asement" and insert "**assessment**".

Page 36, line 17, strike "child".

Page 36, line 18, strike "welfare caseworkers." and insert "**family case managers.**".

Page 36, line 19, strike "child welfare".

Page 36, line 20, strike "caseworker" and insert "**family case manager**".

Page 36, line 28, strike "child welfare caseworkers" and insert "**family case managers**".

Page 37, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 55. IC 31-33-26-15, AS ADDED BY P.L.138-2007, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) The department shall expunge a substantiated report contained within the index as follows:

(1) Not later than ten (10) working days after any of the following occurs:

(A) A court having jurisdiction over a child in need of services proceeding determines that child abuse or neglect has not occurred.

(B) An administrative hearing officer under this chapter finds that the child abuse or neglect report is unsubstantiated.

1 (C) A court having juvenile jurisdiction enters an order for
2 expungement of the report under IC 31-33-7-6.5.

3 (2) Not later than twenty (20) years after a court determines that
4 a child is a child in need of services based upon the report.

5 (b) The department shall amend a substantiated report contained in
6 the index by deleting the name of an alleged perpetrator if:

7 (1) a court having jurisdiction over a child in need of services
8 proceeding; or

9 (2) an administrative hearing officer under this chapter;
10 finds that the person was not a perpetrator of the child abuse or neglect
11 that occurred.

12 (c) If subsection (a) does not apply, the department shall expunge
13 the substantiated report not later than the date on which any child who
14 is named in the report as a victim of child abuse or neglect becomes
15 twenty-four (24) years of age.

16 ~~(d) The department shall expunge an indicated report contained in~~
17 ~~the index at the time specified in IC 31-33-8-12.~~

18 ~~(e)~~ (d) The department shall expunge an unsubstantiated report
19 contained in the index not later than six (6) months after the date the
20 report was entered into the index."

21 Page 37, line 4, reset in roman "6,".

22 Page 37, delete lines 12 through 34, begin a new paragraph and
23 insert:

24 "SECTION 56. IC 31-34-3-4.5 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2009]: **Sec. 4.5. (a) If a child is removed from**
27 **the child's parents under this chapter, within thirty (30) days after**
28 **the removal of the child from the parents the department shall**
29 **exercise due diligence to identify and provide notice of the removal**
30 **to:**

31 (1) all adult relatives (as defined in IC 31-9-2-107) of the child,
32 including relatives suggested by either parent as required
33 under 42 U.S.C. 671(a)(29); and

34 (2) all the child's siblings who are at least eighteen (18) years
35 of age.

36 (b) The department may not provide notice to a person under
37 subsection (a) if the department knows or suspects that the person
38 has caused family or domestic violence.

1 (c) A notice under subsection (a) must:

2 (1) state that the child has been removed from the parents by
3 the department;

4 (2) set forth the options the relative may have under federal,
5 state, or local laws, including the care and placement of the
6 child and other options that may be lost if the relative fails to
7 respond to the notice;

8 (3) describe the requirements for the relative to become a
9 foster parent; and

10 (4) describe additional services available to the child placed in
11 foster care.".

12 Page 40, delete lines 22 through 42, begin a new paragraph and
13 insert:

14 "SECTION 60. IC 31-34-12-7 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) For purposes of an
17 assessment by the department, if:

18 (1) a parent, guardian, or custodian had care, custody, and
19 control of the child immediately before the child died;

20 (2) the law enforcement officer or employee of the department
21 had probable cause to believe the parent, guardian, or
22 custodian was impaired, intoxicated, or under the influence of
23 drugs or alcohol immediately before or at the time of the
24 child's death;

25 (3) a law enforcement officer or an employee of the
26 department requests, not later than three (3) hours after the
27 death of the child, the parent, guardian, or custodian to
28 submit to a drug or alcohol screen test; and

29 (4) the parent, guardian, or custodian did not submit to a drug
30 or alcohol screen test within three (3) hours after the request
31 by a law enforcement officer or employee of the department;

32 the failure to submit to the drug or alcohol test may be used to
33 determine that the parent, guardian, or custodian was intoxicated
34 or under the influence of alcohol or drugs at the time of the child's
35 death for the purpose of the determination required under
36 IC 31-33-8-12.

37 (b) Evidence from a drug or alcohol screen test administered
38 under this section is not admissible as evidence in a criminal

- 1 **proceeding."**
- 2 Page 41, delete lines 1 through 13.
- 3 Page 41, line 39, delete "includes:" and insert **"includes assurances**
- 4 **that the:"**.
- 5 Page 41, line 40, delete "assurances that the".
- 6 Page 41, line 40, after "placement" insert **"of the child"**.
- 7 Page 42, line 1, after "enrolled;" insert **"and"**.
- 8 Page 42, line 2, delete "the coordination" and insert **"department**
- 9 **has coordinated"**.
- 10 Page 42, line 2, delete "education" and insert **"educational"**.
- 11 Page 42, line 3, delete "ensure" and insert **"ensure:**
- 12 **(i)"**.
- 13 Page 42, line 4, delete "and" and insert **"or"**.
- 14 Page 42, line 5, delete "(C)", begin a new line triple block indented
- 15 and insert:
- 16 **"(ii)"**.
- 17 Page 42, line 6, after "different" delete "school" and insert **"school,**
- 18 **including arrangements for the transfer of the child's school**
- 19 **records to the new school,"**.
- 20 Page 42, line 31, reset in roman "county office of family and".
- 21 Page 42, line 32, reset in roman "children".
- 22 Page 42, line 32, delete "local office".
- 23 Page 42, line 34, delete "months;" and insert **"months beginning**
- 24 **with the date the child is removed from the home as a result of the**
- 25 **child being alleged to be a child in need of services or a delinquent**
- 26 **child;"**.
- 27 Page 43, line 12, delete "services:" and insert **"services or a**
- 28 **delinquent child:"**.
- 29 Page 43, line 19, delete "IC 31-34;" and insert **"IC 31-34 or a**
- 30 **delinquency action under IC 31-37;"**.
- 31 Page 43, line 23, strike "excluding any period not".
- 32 Page 43, strike lines 24 through 26 and insert **"beginning with the**
- 33 **date the child is removed from the home as a result of the child**
- 34 **being alleged to be a child in need of services or a delinquent**
- 35 **child."**.
- 36 Page 43, line 38, after "department" insert **"or the probation**
- 37 **department"**.
- 38 Page 43, line 38, delete "IC 31-34-15" and insert **"IC 31-34-15,**

1 **IC 31-37-19-1.5, or IC 31-37-22-4".**

2 Page 44, line 8, after "department" insert "**or the probation**
3 **department**".

4 Page 44, line 10, after "IC 31-34-15" insert "**or IC 31-37-19-1.5**".

5 Page 44, line 12, delete "," and insert "**or IC 31-37**".

6 Page 44, line 22, delete "," and insert "**or IC 31-37-19-1.5**".

7 Page 44, line 23, delete ";" and insert "**or IC 31-37**";

8 Page 44, between lines 31 and 32, begin a new paragraph and insert:

9 "SECTION 67. IC 31-37-5-8, AS ADDED BY P.L.146-2008,
10 SECTION 623, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies to
12 services and programs provided to or on behalf of a child alleged to be
13 a delinquent child at any time before:

14 (1) entry of a dispositional decree under IC 31-37-19; or
15 (2) approval of a program of informal adjustment under
16 IC 31-37-9.

17 (b) Except as provided in subsection (c), before a juvenile court
18 orders or approves a service, a program, or an out-of-home placement
19 for a child:

20 (1) that is recommended by a probation officer or proposed by the
21 juvenile court;
22 (2) for which the costs would be payable by the department under
23 IC 31-40-1-2; and
24 (3) that has not been approved by the department;

25 the juvenile court shall submit the proposed service, program, or
26 placement to the department for consideration. The department shall,
27 not later than three (3) business days after receipt of the
28 recommendation or proposal, submit to the court a report stating
29 whether the department approves or disapproves the proposed service,
30 program, or placement.

31 (c) If the juvenile court makes written findings and concludes that
32 an emergency exists requiring an immediate out-of-home placement to
33 protect the health and welfare of the child, the juvenile court may order
34 or authorize implementation of the placement without first complying
35 with the procedure specified in this section. After entry of an order
36 under this subsection, the juvenile court shall submit a copy of the
37 order to the department for consideration under this section of possible
38 modification or alternatives to the placement and any related services

1 or programs included in the order.

2 (d) If the department approves the service, program, or placement
3 recommended by the probation officer or juvenile court, the juvenile
4 court may enter an appropriate order to implement the approved
5 proposal. If the department does not approve a service, program, or
6 placement recommended by the probation officer or proposed by the
7 juvenile court, the department may recommend an alternative service,
8 program, or placement for the child.

9 (e) The juvenile court shall accept the recommendations of the
10 department regarding any predispositional services, programs, or
11 placement for the child unless the juvenile court finds a
12 recommendation is:

13 (1) unreasonable, based on the facts and circumstances of the
14 case; or

15 (2) contrary to the welfare and best interests of the child.

16 (f) If the juvenile court does not accept the recommendations of the
17 department in the report submitted under subsection (b), the court:

18 (1) may enter an order that:

19 ~~(1)~~ (A) requires the department to provide a specified service,
20 program, or placement, until entry of a dispositional decree or
21 until the order is otherwise modified or terminated; and

22 ~~(2)~~ (B) specifically states the reasons why the juvenile court is
23 not accepting the recommendations of the department,
24 including the juvenile court's findings under subsection (e);

25 **and**

26 **(2) must incorporate all documents referenced in the report**
27 **submitted to the probation officer or to the court by the**
28 **department into the order so that the documents are part of**
29 **the record for any appeal the department may pursue under**
30 **subsection (g).**

31 (g) If the juvenile court enters its findings and order under
32 subsections (e) and (f), the department may appeal the juvenile court's
33 order under any available procedure provided by the Indiana Rules of
34 Trial Procedure or the Indiana Rules of Appellate Procedure to allow
35 any disputes arising under this section to be decided in an expeditious
36 manner.

37 (h) If the department prevails on an appeal initiated under
38 subsection (g), the department shall pay the following costs and

1 expenses incurred by or on behalf of the child before the date of the
2 final decision:

3 (1) Any programs or services implemented during the appeal,
4 other than the cost of an out-of-home placement ordered by the
5 juvenile court.

6 (2) Any out-of-home placement ordered by the juvenile court and
7 implemented after entry of the court order of placement, if the
8 court has made written findings that the placement is an
9 emergency required to protect the health and welfare of the child.

10 If the court has not made written findings that the placement is an
11 emergency, the county in which the juvenile court is located is
12 responsible for payment of all costs of the placement, including the
13 cost of services and programs provided by the home or facility where
14 the child was placed."

15 Page 45, line 23, delete "local" and insert "**county**".

16 Page 45, between lines 26 and 27, begin a new paragraph and insert:

17 "SECTION 70. IC 31-37-18-9, AS AMENDED BY P.L.146-2008,
18 SECTION 646, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The juvenile court shall
20 accompany the court's dispositional decree with written findings and
21 conclusions upon the record concerning approval, modification, or
22 rejection of the dispositional recommendations submitted in the
23 predispositional report, including the following specific findings:

24 (1) The needs of the child for care, treatment, rehabilitation, or
25 placement.

26 (2) The need for participation by the parent, guardian, or
27 custodian in the plan of care for the child.

28 (3) Efforts made, if the child is removed from the child's parent,
29 guardian, or custodian, to:

30 (A) prevent the child's removal from; or

31 (B) reunite the child with;

32 the child's parent, guardian, or custodian.

33 (4) Family services that were offered and provided to:

34 (A) the child; or

35 (B) the child's parent, guardian, or custodian.

36 (5) The court's reasons for the disposition.

37 (b) If the department does not concur with the probation officer's
38 recommendations in the predispositional report and the juvenile court

does not follow the department's alternative recommendations, the juvenile court shall:

(1) accompany the court's dispositional decree with written findings that the department's recommendations contained in the predispositional report are:

~~(1)~~ (A) unreasonable based on the facts and circumstances of the case; or

~~(2)~~ (B) contrary to the welfare and best interests of the child;

and

(2) incorporate all documents referenced in the report submitted to the probation officer or to the court by the department into the order so that the documents are part of the record for any appeal the department may pursue under subsection (d).

(c) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

(d) If the juvenile court enters findings and a decree under subsection (b), the department may appeal the juvenile court's decree under any available procedure provided by the Indiana Rules of Trial Procedure or Indiana Rules of Appellate Procedure to allow any disputes arising under this section to be decided in an expeditious manner.

(e) If the department prevails on appeal, the department shall pay the following costs and expenses incurred by or on behalf of the child before the date of the final decision:

(1) any programs or services implemented during the appeal initiated under subsection (d), other than the cost of an out-of-home placement ordered by the juvenile court; and

(2) any out-of-home placement ordered by the juvenile court and implemented after entry of the dispositional decree or modification order, if the juvenile court has made written findings that the placement is an emergency required to protect the health and welfare of the child.

If the court has not made written findings that the placement is an emergency, the county in which the juvenile court is located is responsible for payment of all costs of the placement, including the cost of services and programs provided by the home or facility where

- 1 the child was placed."
- 2 Page 45, line 37, delete "is paid" and insert **"the probation**
- 3 **department requests to be paid"**.
- 4 Page 46, line 22, delete "includes:" and insert **"includes assurances**
- 5 **that the:"**.
- 6 Page 46, line 23, delete "assurances that the".
- 7 Page 46, line 23, after "placement" insert **"of the child"**.
- 8 Page 46, line 26, after "enrolled;" insert **"and"**.
- 9 Page 46, line 27, delete "the coordination" and insert **"department**
- 10 **has coordinated"**.
- 11 Page 46, line 27, delete "education" and insert **"educational"**.
- 12 Page 46, line 28, delete "ensure" and insert **"ensure:**
- 13 **(i)"**.
- 14 Page 46, line 29, delete "and" and insert **"or"**.
- 15 Page 46, line 30, delete "(C)", begin a new line triple block indented
- 16 and insert:
- 17 **"(ii)"**.
- 18 Page 47, line 10, delete "is paid" and insert **"the probation**
- 19 **department requests to be paid"**.
- 20 Page 47, between lines 35 and 36, begin a new line block indented
- 21 and insert:
- 22 **"(7) A plan for ensuring the educational stability of the child**
- 23 **while in foster care that includes assurances that the:**
- 24 **(A) placement of the child in foster care considers the**
- 25 **appropriateness of the current educational setting of the**
- 26 **child and the proximity to the school where the child**
- 27 **presently is enrolled; and**
- 28 **(B) department has coordinated with local educational**
- 29 **agencies to ensure:**
- 30 **(i) the child remains in the school where the child is**
- 31 **enrolled at the time of removal; or**
- 32 **(ii) immediate and appropriate enrollment of the child in**
- 33 **a different school, including arrangements for the**
- 34 **transfer of the child's school records to the new school,**
- 35 **if remaining in the same school is not in the best interests**
- 36 **of the child."**.
- 37 Page 48, between lines 5 and 6, begin a new paragraph and insert:
- 38 **"SECTION 106. IC 34-30-2-46, AS AMENDED BY P.L.146-2008,**

SECTION 679, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 46. IC 12-19-2-2 (Concerning
the officers and other employees of the division of family resources,
including the ~~local~~ **county** offices of the division of family resources).".

Page 50, line 40, after "duties" insert ",".

Page 52, delete lines 4 through 28, begin a new paragraph and
insert:

"SECTION 110. IC 36-2-14-6.3, AS ADDED BY P.L.225-2007,
SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2009]: Sec. 6.3. (a) A coroner shall **immediately** notify:

**(1) the county office of the department of child services by
using the statewide hotline for the department; and**

(2) either:

~~(1)~~ **(A)** the local child fatality review team; or

~~(2)~~ **(B)** if the county does not have a local child fatality review
team, the statewide child fatality review committee;

of each death of a person who is less than eighteen (18) years of age,
or appears to be less than eighteen (18) years of age and who has died
in an apparently suspicious, ~~unusual~~, or unnatural, **unexpected, or
unexplained** manner.

(b) If a child less than eighteen (18) years of age dies in an
apparently suspicious, unusual, or unnatural manner, the coroner shall
consult with a child death pathologist to determine whether an autopsy
is necessary. If the coroner and the child death pathologist disagree
over the need for an autopsy, the county prosecutor shall determine
whether an autopsy is necessary. If the autopsy is considered necessary,
a child death pathologist or a pathology resident acting under the direct
supervision of a child death pathologist shall conduct the autopsy
within twenty-four (24) hours. If the autopsy is not considered
necessary, the autopsy shall not be conducted.

(c) If a child death pathologist and coroner agree under subsection
(b) that an autopsy is necessary, the child death pathologist or a
pathology resident acting under the direct supervision of a child death
pathologist shall conduct the autopsy of the child.

SECTION 111. THE FOLLOWING ARE REPEALED
[EFFECTIVE UPON PASSAGE]: IC 12-7-2-124.6; IC 12-7-2-124.8."

Page 52, line 30, after "IC 31-9-2-21;" insert "IC 31-9-2-58.5;"

Page 52, between lines 31 and 32, begin a new paragraph and insert:

1 "SECTION 113. [EFFECTIVE UPON PASSAGE] (a) The
 2 authority of the division of family resources to replace county
 3 offices with regional offices is terminated. If the division of family
 4 resources has consolidated two (2) or more county offices into a
 5 single regional office or has otherwise transferred the
 6 responsibilities of one (1) or more county offices to a regional
 7 office, the division of family resources shall as soon as practicable
 8 reorganize its administrative structure to restore a county director
 9 and a county office in each county.

10 (b) This SECTION expires July 1, 2010."

11 Page 52, line 38, delete "districts;" and insert "districts, including
 12 the transfer of a child's school records and any individual
 13 education plans;"

14 Page 53, run in lines 13 through 14.

15 Page 53, between lines 14 and 15, begin a new paragraph and insert:

16 "SECTION 116. [EFFECTIVE UPON PASSAGE] (a) As used in
 17 this SECTION, "commission" refers to the select joint commission
 18 on Medicaid oversight established by IC 2-5-26-3.

19 (b) As used in this SECTION, "office" refers to the office of the
 20 secretary of family and social services established by IC 12-8-1-1.

21 (c) As used in this SECTION, "programs" refers to the
 22 following:

23 (1) The Medicaid program (IC 12-15).

24 (2) The federal Temporary Assistance for Needy Families
 25 (TANF) program (IC 12-14).

26 (3) The federal Food Stamp Program (7 U.S.C. 2016(i)).

27 (d) After November 1, 2008, the office may not implement the
 28 use of a contractor to assist in making eligibility determinations for
 29 the programs in additional counties until the commission has
 30 reviewed the status of the implementation in counties using the

- 1 **contractor for eligibility determinations before November 1, 2008.**
- 2 **(e) This SECTION expires December 31, 2009."**
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 365 as reprinted February 24, 2009.)

and when so amended that said bill do pass.

Representative Crawford